

IN THE UNITED STATES DISTRICT COURT  
FOR THE NOTHERN DISTRICT COURT OF OHIO  
EASTERN DIVISION

GARON PETTY, et al.

Plaintiffs,

vs.

MARY SPRINGOWSKI, et al.

Defendants.

CASE NO. 1:22-CV-00458

JUDGE CHRISTOPHER A. BOYKO

**DEFENDANT CITY OF LORAIN'S**  
**MOTION FOR JUDGMENT ON**  
**THE PLEADINGS**

Now come Defendant City of Lorain (hereinafter, "City"), by and through counsel, and hereby move this Honorable Court for judgment as to all claims filed by Plaintiffs, pursuant to Fed. R. Civ. P. 12(c). City is entitled to judgment as to all claims made by Plaintiff, as City is entitled to immunity in accordance with Chapter 2744 of the Ohio Revised Code; Plaintiffs' Complaint fails to properly plead a *Monell* claim against City and the Complaint insufficiently states a cause of action under § 1983, no private cause of action exists for a violation of Ohio Const. Art. I, § 11., and Plaintiffs' Loss of Consortium claim is a derivative claim that fails upon the failure of Plaintiffs' primary claims.

Respectfully submitted,

/s/ Joseph T. LaVeck

Patrick D. Riley, Esq (0006642)

City of Lorain Law Director

Joseph T. LaVeck, Esq (0092326)

Assistant Law Director

200 West Erie Ave., 3rd floor

Lorain, Ohio 44052

T: (440) 204-2250

F: (440) 204-2257

E: [joseph\\_laveck@cityoflorain.org](mailto:joseph_laveck@cityoflorain.org)

*Counsel for Defendant City of Lorain*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of May 2022, a copy of the foregoing Defendant City of Lorain's Motion for Judgment on the Pleadings was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

Robert J. Gargas (0007136)  
1670 Cooper Foster Park Road  
Lorain, OH 44053  
P: (440) 960-1670  
F: (440) 960 1754  
E: [rjgargas@gmail.com](mailto:rjgargas@gmail.com)

*Counsel for Plaintiffs*

Richard D. Panza (0011487)  
Matthew W. Nakon (0040497)  
Malorie A. Alverson (0089279)  
WICKENS HERZER PANZA  
E: [RPanza@WickensLaw.com](mailto:RPanza@WickensLaw.com)  
E: [MNakon@WickensLaw.com](mailto:MNakon@WickensLaw.com)  
E: [MAlverson@WickensLaw.com](mailto:MAlverson@WickensLaw.com)  
35765 Chester Road  
Avon, Ohio 44011  
P: (440) 695-8000  
F: (440) 695-8098

*Counsel for Defendants Mary  
Springowski, Cory Shawver, and  
Joshua Thornsberry*

Respectfully submitted,

/s/ Joseph T. LaVeck  
Patrick D. Riley, Esq (0006642)  
City of Lorain Law Director  
Joseph T. LaVeck, Esq (0092326)  
Assistant Law Director  
200 West Erie Ave., 3rd floor  
Lorain, Ohio 44052  
T: (440) 204-2250  
F: (440) 204-2257  
E: [joseph\\_laveck@cityoflorain.org](mailto:joseph_laveck@cityoflorain.org)

*Counsel for Defendant City of Lorain*